

HOUSE OF COMMONS
AGRICULTURE & COLONIZATION
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Canada. Parliament. House of
Commons. Select Standing Committee
on Agriculture and Colonization,
1930.

Proposed amendments to Bill no.

12. An act respecting...

Canada. Parliament. House of Commons.
Select Standing Committee on Agriculture
and Colonization, 1930.

SESSION 1930

HOUSE OF COMMONS

SELECT STANDING COMMITTEE

ON

AGRICULTURE AND COLONIZATION

PROPOSED AMENDMENTS TO BILL No. 12, AN ACT
RESPECTING GRAIN

No. 1

A. A. FRASER,
Clerk of the Committee.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1930

SELECT STANDING COMMITTEE ON AGRICULTURE AND COLONIZATION

PROPOSED AMENDMENTS TO BILL NO. 12, AN ACT RESPECTING GRAIN

Add:

2. (c a) "Co-operative association of grain growers" means an incorporated body which has power to handle and dispose of grain, whose members are exclusively or chiefly growers of grain, and which, by the terms of its constitution, is without power or is forbidden to distribute any profit by way of dividend.

Substitute:

2. (s.) "Private," when used with respect to an elevator, means an elevator which is either used by the manager exclusively for the storage or handling of grain belonging to him alone, or, when the manager is a co-operative association of grain growers, or is a company controlled by one or more such associations, is used by such association exclusively for the storage or handling of grain either belonging to it or produced by or received from some one or more of its members.

Add:

13. (2) When notice of intention to appeal from any decision of the Board has been duly given, the Board, or any judge of the court of appeal to which the appeal has been made, may direct a stay of the execution of the decision of the Board pending the judgment of the court of appeal, subject to such conditions as to the giving of security or otherwise as the Board or such judge may seem just.

Add:

18. (2) No rescission of any order under this section shall operate in favour of any persons by whom an appeal from such order has been taken to the court of appeal of any province as hereinbefore provided.

Substitute:

42. No grain that has been subject to scouring or washing shall be graded higher than No. 3, and no grain which has been treated with lime or sulphur shall be graded higher than No. 4.

Substitute:

53. Every railway company, and every other common carrier subject to the jurisdiction of Parliament, shall furnish free transportation on all its lines within Canada for the commissioners, the secretary of the Board and the principal officers in charge of the inspection service and of the weighing service under the Board, and free transportation within the Western Division for the assistant grain commissioners and within the Eastern Division for the principal inspection officer under the Board in that division.

Substitute:

68. Except as hereinafter provided, each car available for the shipment of grain at any shipping point for which a car order book has been issued shall, having regard to its capacity, be placed by the railway agent in accordance with the outstanding unfulfilled application recorded in such order book which bears the lowest consecutive number.

(2) If the Board is of opinion, by reason of special circumstances to be recorded by it, that the placing of cars as aforesaid would operate inequitably at any specified shipping point, or would prevent the immediate shipment therefrom of seed grain or of grain which has become or is in danger of becoming out of condition, it may direct the placing of cars at such point otherwise than as aforesaid but without discrimination, and in any such case the directions of the Board shall be complied with by the railway agent.

NOTE:—Subsection 2 of this section replaces section 15 (1).

Substitute:

83. No charges other than the maximum charges authorized by the Board shall be made by any licensee for any services performed by him pursuant to his licence unless such licensee desires to make lower charges than those so authorized and has, at least three days before making such lower charges, filed a schedule thereof with the Board, in which case no charges other than those specified in the schedule shall be made by such licensee until three days after such schedule has been withdrawn or superseded by another.

Substitute:

94. The operator or manager of any licensed elevator shall, upon payment of all proper charges in respect of the grain covered by any elevator or warehouse receipt, accept a surrender of such receipt for consolidation or division and issue in lieu thereof one or more fresh receipts covering the whole or part of the grain therein described as the circumstances require.

(2) The provisions of this section shall not apply to the division of any elevator or warehouse receipt issued by the operator or manager of a terminal elevator unless such operator or manager consents to such division.

Substitute:

96. Notwithstanding anything in *The Bank Act*, when an elevator or warehouse receipt is outstanding in respect of any grain delivered into an elevator, no charge or interest in the grain covered thereby, which affects the interest of the holder of the receipt, may be created otherwise than by the endorsement or delivery of such receipt to the person in whose favour the charge or interest is created.

(2) This section shall not apply to the creation pursuant to this Act of a lien for charges for the handling, storage or carriage of grain properly incurred under this Act.

Add:

102. (2) The loss, if any, under every policy of insurance issued pursuant to this section shall be payable to the holders of elevator or warehouse receipts for grain stored in such elevator as their interests may respectively appear, and the claims of such holders shall have priority to any claim by the manager of the elevator or by any assignee of such manager.

Add:

111. (2) Nothing in this section shall empower the Board to authorize the use of any form of cash purchase ticket or other receipt which does not specify the date of its issue, the name of the person from whom the grain is received, the gross and net weight of the grain, the grade therefrom and grade thereof, if agreed upon, or the mode of ascertaining the same, the charges to be made in respect of the grain and the terms upon which it is to be delivered or sold for.

Add:

116A. The holder of any elevator receipt who surrenders the same before the consignee's receipt is ready for delivery to him shall, upon his request, be entitled to receive from the person to whom such elevator receipt is surrendered a receipt therefor, specifying the date of its surrender, the name of the holder, the character and number of the elevator receipt and the name of the consignee to whom the grain therein described has been directed by the holder to be consigned.

Add:

119A. The rates charged for the cleaning and storage of grain shall be the same at every licensed country elevator having the same manager.

(2) The Board may order that this section shall not apply to any specified country elevator at which the Board is satisfied that lower rates than are charged at other elevators having the same manager are necessary in order to meet special competition.

Substitute:

125. (2) All western wheat received into any licensed semi-public or private terminal elevator and graded into any of the four grades first specified in Schedule I to this Act shall be binned with grain of the same grade, and no such grain shall at any time be mixed with grain of any grade other than that in which it has been graded.

Substitute:

126. Upon the surrender of the shipping receipt or bill of lading covering any grain received into any licensed public or semi-public terminal elevator, accompanied by evidence of the payment of all lawful charges against such grain up to the time of its being so received, the operator or manager of such elevator shall issue, in exchange for such shipping receipt or bill of lading, a terminal warehouse receipt, which may be in such form as the Board may prescribe, but shall specify the date of its issue, the name of the person on whose account the grain has been received, the quantity and grade of the grain and the terms upon which it will be delivered out of the elevator to the holder of the receipt on payment of the charges accruing due in respect thereof.

(2) Upon the request of the person by whom there is surrendered a shipping receipt or bill of lading covering any such grain, separate warehouse receipts shall be issued in respect of each car-load or parcel thereof.

(3) Upon the surrender for cancellation of any warehouse receipt, the same shall forthwith be plainly marked across its face with the word "Cancelled" followed by the date and the signature of the person to whom the same has been surrendered.

Add:

128A. Terminal warehouse receipts shall be issued under the laws of the province by the manager of a terminal elevator to himself in respect of grain to which such manager is lawfully entitled at the time it is received into the elevator and warehouse receipts issued, or warehouse receipts issued in other countries, grain in such receipt is received and a manager has become owner thereof after it has been received into the elevator upon the cancellation or surrender thereof, be replaced by new warehouse receipts, subject to such regulations as the Board may make in that behalf.

Add:

131A. Notwithstanding anything in the Act, the charges made for the cleaning, storage and handling of grain in any public or semi-public terminal or eastern elevator shall not be subject to change during any crop year.

Substitute:

135. If on any examination of the grain contained in any public terminal elevator and of the records of receipts and discharges of grain therein and therefrom, it appears that the handling of grain in such elevator has resulted in the transfer of grain from a lower to higher grades and that the quantity of grain of any grade discharged in any crop year and remaining in store at the end thereof exceeds by more than one-quarter of one per cent. the quantity which should have been discharged and been in store, the excess above such one-quarter of one per cent. shall belong to the Crown and shall be disposed of as the Board may direct, subject as hereinafter provided.

(2) From such excess there shall, before its disposition, be deducted and applied to the manager of the elevator the quantity of any deficiency which may contemporaneously appear in any higher grade of grain of the same kind, and one of the proceeds of the disposition of the balance there shall be payable by the Crown to the manager of the elevator the value according to the spread of prices on the day of such disposition, of such part of such balance as is equal to the quantity required to compensate for any deficiency, not otherwise compensated for, which may contemporaneously appear in any lower grade of grain of the same kind.

(3) The provisions of the next two preceding subsections shall apply to such western wheat of the four grades first specified in Schedule One to this Act as is in or has been received into any semi-public or private terminal elevator.

(4) For the purpose of any calculation of excesses and deficiencies under this section, regard shall be had to any alteration of grade made on any appeal from an inspection officer disposed of by the Board, the identity of the grain having been preserved pending the appeal.

(5) The Board shall have power to determine the mode of calculation to be adopted under this section with respect to grain which, on its receipt into an elevator, has been graded into any commercial grade, but may nevertheless, by reason of its subsequent treatment or otherwise, be properly binned with grain of a statutory grade.

Substitute:

136. (1) Upon the production to the Board by any person of written consent, subject to the approval of the Board for the leasing of special bin accommodation in all public, semi-public and eastern elevators as may be necessary for the preservation of the identity of grain received by such person

from the Western Division and the Eastern Division in lots of not less than sixteen thousand bushels, the Board may appoint a sub-committee, which shall thereupon take such action as to meet the said conditions and the same shall be in force inbefore contained but subject as hereinafter provided.

Insert:

136. (2) Notwithstanding the foregoing of section 135, no regulation made by the Board shall be in force until the first day of September, and the fifteenth day of December, respectively, shall be approved by the Board as permitted to take effect.

Add:

162A. In any civil or criminal proceeding to enforce any right given, or based upon the breach of any duty imposed by this Act or any regulation made thereunder, or any other provision, such as herein contained, or any other such proceeding which is instituted in pursuance of any provision of the Act or any provision of the Act or under any regulation made pursuant thereto.

Substitute:

165. Nothing in this Act shall require any co-operative association of grain growers or any company controlled by such an association to take out any licence under this Act otherwise than as manager of an elevator belonging to such association or company.

SCHEDULE I
STATUTORY GRADES OF WESTERN GRAIN
RED SPRING WHEAT

Number and name of grade	Weight per bushel in pounds	Variety of grain	Percentage of hard vitreous kernels %	Standard of quality	Minimum Limit		
					Matter other than feed grains	Total including feed grains %	Other wheat %
No. 1 Manitoba Hard.	62	Manitoba or equal to Manitoba.	80	Sound and well matured.	Free	Free	
No. 2 Manitoba Normal.	60	Manitoba or equal to Manitoba.	65	Well matured practically free from damaged kernels.	Free	Practically free	Practically free
No. 3 Manitoba Normal.	58	Red Spring Wheat of good milling quality.	50	Reasonably well matured, reasonably free from damaged kernels.	Free	Reasonably free. Not more than about 1%.	3
No. 4 Manitoba Normal.	57	Red Spring Wheat of fair milling quality.	25	Reasonably well matured, reasonably free from damaged kernels.	Reasonably free.	Reasonably free. Not more than about 2%.	0
No. 5 Manitoba Normal.	57	Red Spring Wheat.		Reasonably well matured, but excluded from preceding grades on account of frosted or otherwise damaged kernels.	Reasonably free.	Reasonably free. Not more than about 2½%.	10
or	55	Red Spring Wheat.		Rusted or shrunken but otherwise reasonably sound	Reasonably free.	Reasonably free. Not more than about 2½%.	4 10

WINTER WHEAT

Number and name of grade	Minimum weight per bushel in pounds	Variety of grain	Percentage of hard vitreous kernels %	Standard of quality	Maximum Limits of:--			
					Foreign material other than foreign matter	Matter other than cereal grains	Total including cereal grains %	Values of other classes
No. 1 Alberta Red Winter.	62	Red winter	60	Well matured, practically free from damaged kernels.	Free		Reasonably free. Not more than about 1%.	Durum % 5
No. 2 Alberta Winter.	60	Winter	45	Well matured, practically free from damaged kernels	Reasonably free.		Reasonably free. Not more than about 2%.	1 10
No. 3 Alberta Winter.	57	Winter		Reasonably well matured but excluded from preceding grades a/c of frosted or otherwise damaged kernels.	Reasonably free.		2 1/2	2 20

All winter wheat below 3 Alberta Winter in value may be classed in the lower grades or used as poor wheat according to quality.

AMBER TO 10000

Number and name of grade	Minimum weight per bushel in pounds	Variety of grain	Percentage of hard vitreous kernels %	Standard of quality	Maximum limits of				
					Foreign material other than dockage		Wheats of other classes		
					Matter other than cereal grains	Total including cereal grains	Red Durum %	Other spring wheat %	Total of all wheat %
No. 1 C.W. Amber Durum.	62	Minum or equal to Minum.	75	Well matured, practically free from damaged kernels.	Free.	Practically free. Not more than about 3%.		5	5
No. 2 C.W. Amber Durum.	60	Minum or equal to Minum.	75	Well matured. Practically free from damaged kernels.	Free.	Practically free. Not more than about 1%.	5	10	10
No. 3 C.W. Amber Durum.	58	Amber Durum.	30	Reasonably well matured. Reasonably free from damaged kernels.	Free.	Reasonably free. Not more than about 2%.	10	15	15
No. 4 C.W. Amber Durum.	56	Amber Durum.		Reasonably well matured. Practically free from damaged kernels. Excluded from preceding grades on a/c of frosted or otherwise damaged kernels.	Reasonably free.	Reasonably free. Not more than about 2½%.			
No. 5 C.W. Amber Durum.	54	Amber Durum.		Excluded from preceding grades on a/c of damaged kernels.	Reasonably free.	Reasonably free. Not more than about 3%.	10	20	30
No. 6 C.W. Amber Durum.		Amber Durum.		Excluded from preceding grades on a/c of damaged or light weight.	Reasonably free.	Reasonably free.	10		30

RED DURUM WHEAT

All Red Durum and any other when so certified by the committee shall be classified as "Red Durum" irrespective of quality.

WHITE SPRING WHEAT

Number and name of grade	Minimum weight per bushel in pounds	Variety of grain	Percentage of hard vitreous kernels %	Standard of quality	Foreign material other than dockage			Wheats of other classes	
					Matter other than cereal grains	Total including cereal grains	Durum %	Total %	
No. 1 C.W. White Spring.	60	Quality or equal to Quality.	65	Well matured, practically free from damaged kernels.	Free.....	Practically free.....	1	3	
No. 2 C.W. White Spring.	58	White Spring Wheat of good milling quality.	50	Reasonably well matured, reasonably free from damaged kernels.	Free.....	Reasonably free. Not more than about 1%.	2	5	
No. 3 C.W. White Spring.	57	White Spring wheat of fair milling quality.	25	Reasonably well matured, reasonably free from damaged kernels.	Reasonably free.....	Reasonably free. Not more than about 2%.	4	10	

NOTE.—All White Spring wheat excluded from the preceding grades on account of admixtures, frosted, or otherwise damaged shall be classed in the Mixed Wheat grades according to the standard requirements.

OATS

Number and Name of Grade	Minimum weight per bushel in pounds	Variety of grain	Standard of quality	Maximum Limits of:—			
				Seeds %	Wild oats %	Other grains %	Foreign matter %
No. 1 C.W. White	38	95% White.	Well matured. Practically free from damage.	Free. Not more than about 3%.	Not more than about 1%.	Free.	1
No. 2 C.W. White	36	90% White.	Well matured. Practically free from damage.	Reasonably free. Not more than about 1%.	Reasonably free. Not more than about 2%.	2	3
No. 3 C.W. White	34	Domestic Oats. Any variety.	Reasonably well matured. Practically free from damage.	Reasonably free. Not more than about 1%.	Reasonably free. Not more than about 4%.	4	6
Ex. 1 Feed	33	Domestic Oats. Any variety.	Reasonably well matured and sound except as to frost.	Reasonably free. Not more than about 1%.	Reasonably free. Not more than about 2%.	4	6
No. 1 Feed	34	Domestic Oats. Any variety.	Reasonably well matured, but frosted, stained, or otherwise damaged. May contain 3% heat damage.	1 1/2	7	8	12
No. 2 Feed	28	Domestic Oats. Any variety.	Frosted, immature, stained, or otherwise damaged. May contain 3% heat damage.	2	12	20	22
No. 3 Feed	.....	Domestic Oats. Any variety.	Light weight, immature, damaged. May contain 5% heat damage.	3	25	30	33
Mixed Feed (oats)	.....	Wild Oats or Oat Scalpings.	Excluded from any recognized grades of grain.	.....	.....	.....	49

STATUTORY GRADES OF WESTERN GRAIN—*Con.*

TABLE

Number and name of grade	Weight per bush, in pounds	Variety of grain	percentage of varieties or type %	Standard of quality	Maximum limits of			Total foreign matter %
					Seeds %	Wild oats %	Other grains %	
No. 1 C.W. Six-Row	50	Variety or type equal in value for malting purposes to O.A.C. 21.	95	Sound.....	Free.....	Free.....	Practically free.....	
No. 2 C.W. Six-Row	49	Variety or type equal in value for malting purposes to O.A.C. 21.	95	Sound.....	Reasonably free. Not more than about $\frac{1}{2}$ %.	Practically free. Not more than about $\frac{1}{2}$ %.	Practically free. Not more than about 1%.	1
No. 3 C.W. Six-Row	48	Variety or type equal in value for malting purposes to O.A.C. 21.	95	Sound.....	Not more than about $\frac{1}{2}$ %.	Not more than about $\frac{1}{2}$ %.	Not more than $\frac{1}{2}$ %.	
No. 1 C.W. Two-Row.	52	Variety or type equal in value for malting or pearling purposes to Canadian Thorpe.	95	Sound.....	Free.....	Free.....	Practically free.....	
No. 2 C.W. Two-Row.	50	Variety or type equal in value for malting or pearling purposes to Canadian Thorpe.	95	Sound.....	Not more than about $\frac{1}{2}$ %.	Not more than $\frac{1}{2}$ %.	Not more than about 1%.	
No. 3 C.W. Two-Row.	48	Variety or type equal in value for malting or pearling purposes to Canadian Thorpe.	90	Sound.....	Not more than about $\frac{1}{2}$ %.	Not more than about $\frac{1}{2}$ %.	Not more than about $\frac{1}{2}$ %.	$\frac{1}{2}$
No. 1 C.W. Trebi-Row.	50	Trebi Type.....	95	Sound.....	Free.....	Free.....	Practically free.....	
No. 2 C.W. Trebi-Row.	49	Trebi Type.....	95	Sound.....	Reasonably free. Not more than about $\frac{1}{2}$ %.	Practically free. Not more than about $\frac{1}{2}$ %.	Practically free. Not more than about 1%.	1

No. 3 Ex. Trebi	48	Trebi Type.....	90	Sound	Reasonably free. Not more than about 1%.	Reasonably free. Not more than about 1%.	1 1/2
No. 3 C.W.....	47	Any variety or type or combination of varieties or types.	..	Slightly frosted, immature, weather stained, shrunken and otherwise damaged but sweet.	1 1/2%	6	6
No. 4 C.W.....	46	Any variety or type or combination of varieties or types.	..	Damaged or stained but sweet.	3	10	10
No. 5 C.W.....	42	Any variety or type or combination of varieties or types.	..	Damaged or badly weathered.	3	18	18
No. 6 C.W.....	..	.....	..	Excluded from preceding grades according to weight or moisture. Must contain 5% of heat damage.	3	25	25

STATUTORY GRADES OF WESTERN GRAIN—*Con.*

FLAX SEED

Number and name of grade	Minimum weight per bus. in pounds	Maximum of damaged grains by weight %	Standard of Quality	Standard of cleanness
No. 1 C.W.	35	10	Well sown, dry and clean	Free from insect damage and
No. 2 C.W.	30	25	Well sown, dry and clean	Free from insect damage and
No. 3 C.W.	25	40	May contain 10% of heat damage	Free from insect damage and
No. 4 C.W.	20	50	May contain 10% of heat damage	Free from insect damage and

FLAX SEED GRADES shall be composed of flax sown with broken grain of any description that cannot be cleaned or damaged by insect damage.

RYE

Number and name of grade	Maximum weight per bushel in pounds	Standard of quality	Percentage of Ergot after dockage removed %	Maximum limits of		
				Foreign material other than dockage		Total foreign matter including wheat %
				Matter other than cereals %	Grains other than wheat %	
No. 1 C.W.	58	Sound.	Free.	Free.	Free.	
No. 2 C.W.	56	Sound.	Practically free.	Reasonably free, Not more than about 1%.	1½	2
No. 3 C.W.	55	Reasonably sound. Slightly damaged.	¾	Reasonably free. Not more than about 1%.	3	5
No. 4 C.W.		Damaged with not more than about 5% heat damage.	¾	Reasonably free. Not more than about 2%.	7	10
Ergoty Rye		Excluded from preceding grades a/c of ergot.	Over 3%	Reasonably free. Not more than about 2%.	7	10
Ergoty Rye and other grains.		Excluded from preceding grades a/c of admixture of other grains.	Over 3%	Reasonably free. Not more than about 2%.	Rye pre-dominating.	

STATUTORY GRADES OF WESTERN GRAIN—*Con.*

BUCKWHEAT

Number and name of grade	Minimum weight per bushel in pounds	Standard of quality	Maximum limits of			
			Seeds %	Wild oats %	Other grains %	Total foreign matter %
No. 1 C.W.	56	Well adapted for seed, free from damage.	Practically free	Practically free	Practically free	Practically free
No. 2 C.W.	48	Well adapted for seed, free from damage.	Practically free	Practically free	Reasonably free, than about 2%.	Reasonably free, than about 2%.
No. 3 C.W.	35	Reasonably adapted for seed, free from damage.	Reasonably free	Reasonably free	Reasonably free, than about 5%.	Reasonably free, than about 5%.
No. 4 C.W.		Practically adapted for seed, free from damage.	Practically free	Practically free	Practically free	Practically free

